

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 285 - HB 1145**

April 6, 2021

**SUMMARY OF ORIGINAL BILL:** Expands the offense of critical infrastructure vandalism to include farms.

**FISCAL IMPACT OF ORIGINAL BILL:**

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (006700):** Deletes and replaces all language after the enacting clause such that the only substantive change is to specify a farm, for the purpose of the offense of criminal infrastructure vandalism, includes real property, vehicles, equipment, machinery, animals, or crops contained on a farm.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures – \$17,600 Incarceration\***

**Decrease Local Expenditures – \$1,100/FY21-22 and Subsequent Years**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 43-26-102(1), farm means the land, buildings, and machinery used in the commercial production of farm products and nursery stock, and the proposed legislation specifies that it includes the real property, vehicles, equipment, machinery, animals, or crops contained on a farm.
- Pursuant to Tenn. Code Ann. § 39-14-408(c)(1)(A), the offense of vandalism in instances where a person knowingly causes damage to or the destruction of any real or personal property of another or of the state, the United States, any county, city, or town knowing that the person does not have the owner's effective consent is punished as theft under Tenn. Code Ann. § 39-14-105, after determining value under Tenn. Code Ann. § 39-11-106(a)(38).
- The proposed legislation will result in one Class A misdemeanor offense of vandalism of a farm being enhanced to a Class E felony admission of critical infrastructure vandalism of a farm each year.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average time served for a Class E felony is 0.6 years.

- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 219.15 days ( $0.6 \times 365.25$ ). The annualized increase in state incarceration expenditures is estimated to be \$17,633 ( $\$80.46 \times 219.15 \times 1$ ).
- This analysis assumes individuals convicted of Class A misdemeanor violations of vandalism of a farm are spending an average of 15 days in local jail.
- Based on the 2020 Fiscal Review Committee survey, the weighted average cost to local governments to house an inmate in a local jail facility is \$73 per day.
- The proposed legislation will result in a recurring decrease in local incarceration expenditures estimated to be \$1,095 ( $\$73 \times 1 \text{ offender} \times 15 \text{ days}$ ) in FY21-22 and subsequent years.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/mj